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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,327	11/30/2005	Urbain Du Plessis	13070.23	1634
22913	7590	05/09/2011	EXAMINER	
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			KOSANOVIC, HELENA	
			ART UNIT	PAPER NUMBER
			3749	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/540,327

**Applicant(s)**

DU PLESSIS, URBAIN

**Examiner**

HELENA KOSANOVIC

**Art Unit**

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-5, 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicant's amendments filed 2/22/11 are acknowledged.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-5, 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki 6,824,595 in view of Urano 4,254,339.

Ueki teaches:

Regarding claims 1 and 12, electrical equipment comprising a sealed chamber (col. 5, ll. 40-45) in which an electrical appliance is housed (col. 5, ll. 40-45), and a multi-stage breather filter (fig. 8) is attached to the chamber (col. 13, ll. 40-42), the chamber being sealed except for communication through the breather filter, the filter comprising a filter housing (HDD container, col. 13, ll. 40-42) to define an airflow passageway, the filter housing extending from the proximal end (where bottom element 57 is located, fig. 8) to a space apart distal end (where upper element 57 is located, fig. 8), the proximal end being positioned such that air flowing out from the chamber through the air flow passageway flows through the proximal end before arriving at the distal end, the airflow passageway including a series of filter, the filter stages including:

a) a porous membrane (upper membrane 57, fig. 8)

b) activated carbon (lower filter 56, fig. 8), and

c) silica gel (col. 6, ll. 57-59),

wherein the porous membrane is positioned at the distal end (fig. 8) the porous membrane (fig. 5)

whereby in use heat generated by the electrical appliance causes air flow through the filter and also dries moisture collected by the filter (col. 6, ll. 60-63).

Regarding claim 4, the electrical appliance is a light element (col. 5, ll. 41-44).

Regarding claim 5, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 10, the porous membrane is fabricated from PTFE (col. 7, ll. 20-35).

Regarding claim 11, wherein the filter stages are designed to minimize pressure differentials and ensure low resistance to air flow (as long as the instant application perform said limitation the applied prior art does the same because the structure of the apparatus and the filters are the same. Therefore similar structures would perform the similar results.)

Ueki teaches the invention as discussed above, but is not specific about having a filter\_stages separate from each other so that the silica gel is adjacent air outlet and carbon filter is in front of silica gel.

Urano teaches silica gel filter 46 and carbon filter 45 being separate wherein silica gel filter 46 is near outlet and carbon filter 45 is in front said silica gel filter,

wherein in combination, regarding claim 1, with the Ueki the silica gel is positioned at the proximal end and the activated carbon is position between the porous membrane and the silica gel.

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the Ueki adsorbent filters with the Urano separate filter in specific order because the substitution of one known element for another would have yielded predictable results of filtering the air.

2. Claims 1, 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashemi 5,406,467 in view of in view of Urano 4,254,339 and further in view of Ueki 6,824,595.

Hashemi teaches the invention as claimed:

Regarding claims 1, 12, 13, 16-17 an electrical device 10 (fig. 1) comprising:  
a sealed chamber (12, fig. 1) in which an electrical appliance is housed (col. Col. 2, l. 35), and a multi-stage breather filter ( 22, figs. 2-3) is attached to the sealed chamber, the filter comprising a filter housing 20, 18 (figs. 1-3) to define an airflow passageway, the filter housing extending from the proximal end (26, fig. 3) to a space apart distal end (30, fig. 3), the proximal end being positioned such that air flowing out from the chamber through the air flow passageway flows through the proximal end before arriving at the distal end

whereby in use heat generated by the electrical appliance causes air flow through the filter and also dries moisture collected by the filter (if the applicant

apparatus does that than the applied prior art does the same because the similar structure produces the similar results); and

an electrical appliance disposed within the sealed chamber (col. 2, l. 35).

Regarding claims 14, 20, wherein the electrical appliance comprises a light element (col. 2, l. 35).

Regarding claims 15, 21, wherein the electrical device comprises a vehicle headlight (col. 2, ll. 24-25).

Hashemi teaches the invention as discussed above but is silent about the passageway that includes a series of filter stages separate from each other, wherein the filter stages including, a porous membrane 14, activated carbon and silica gel.

Urano teaches a passageway having an activated carbon 45 and silica gel 45 (col. 5, ll. 19-20, fig. 5), wherein said filters are separated from each other and carbon filter is located closer to distal end 44 and silica gel filter is located near proximal end, and therefore when substituted with the Hashemi filter 22 openly disposed at the proximal end to the chamber, with two filters of Urano reference, silica gel filter of the Urano is openly disposed to the Hashemi chamber.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Hashemi filter 22 modified with the Urano separate filters in order to purify the air from the moisture and dust (col. 5, ll. 17-20).

Hashemi in view of Urano teaches the invention as discussed above but is silent about a membrane.

Ueki teaches a filter 56 (fig. 8) having a breathable membrane 51 (fig. 8) located at the distal end (fig. 8, see membrane on the top of the filter 51), wherein the porous membrane is fabricated from PTFE (col7, l. 30)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Hashemi in view of Urano invention in view of Ueki membrane in order to provide further filtration.

### ***Response to Arguments***

Applicant's arguments filed 2/22/11 have been fully considered but they are not persuasive.

Regarding argument about membrane and its location the examiner notice that in this office action the examiner rejected newly claimed limitations with figure 8, that teaches that said membrane is located at the distal end and therefore the claimed limitation is met.

Regarding arguments about Hashemi filter and how it is different from the claimed filters, the examiner notice that the Hashemi teaches the filter that is openly disposed to the chamber, and said filter is substituted with the Urano two filters, wherein the silica gel filter is located at the proximal end, and in combination with the main reference it is openly disposed to the chamber, therefore newly claimed limitations are met.

Argument about the new claim is discussed above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helena Kosanovic/  
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050411

/STEVEN B. MCALLISTER/  
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